

Amendments to the Drawings:

The attached sheets of drawings for Figs. 3-7 replace the original sheets for Figs. 3-7.

Attachment: Replacement Sheets.

REMARKS

Claims 1, 8, and 15-42 are canceled. New claim 43 is added. Claim 10 has been rewritten in independent form. Claims 2, 3, 5, 7, 9, 13, and 14 are amended to depend on claim 10.

In the office action, the Examiner raised various objections and rejections. Each of the objections and rejections is addressed separately below. In view of the claim amendments noted above the remarks below, reconsideration of the merits of this application is respectfully requested.

A petition for two months extension of time accompanies this response so that the response will be deemed to have been timely filed. If any other extension of time is required in this or any subsequent response, please consider this to be a petition for the appropriate extension and a request to charge the petition fee to Deposit Account No. 17-0055. No other fee is believed to be due in connection with this response. However, if any fee is due in this or any subsequent response, please charge the fee to the same Deposit Account No. 17-0055.

A. Amendments to the specification and drawings

Applicants found errors in the sequence listing, the specification, and the drawings in that some sequences provided in the sequence listing as identified by their SEQ ID NOs do not match those in the specification and the drawings. Applicants herein submit a new sequence listing with the errors corrected. SEQ ID NOs:1-29 in the new sequence listing were in the originally filed specification and drawings and, therefore, introduce no new matter.

All amendments made to the specification are for matching the sequences in the specification and those in the sequence listing by SEQ ID NOs and for identifying sequences in the drawings by SEQ ID NOs that the originally filed specification failed to identify.

All amendments made to Figs. 3-7 as reflected on the attached replacement sheets are for matching the sequences in the drawings to those in the sequence listing by SEQ ID NOs. In particular, the phrase "SEQ ID NO:7" in Fig. 3 is changed to "SEQ ID NO:3;" the phrase "SEQ ID NO:4" in Fig. 4 is changed to "SEQ ID NO:6;" the phrases "SEQ ID

NO:3" and "SEQ ID NO:8" in Fig. 5 are changed to "SEQ ID NO:4" and "SEQ ID NO:5," respectively; the phrase "SEQ ID NO:5" in Fig. 6 is changed to "SEQ ID NO:7;" and the phrase "SEQ ID NO:6" in Fig. 7 is changed to "SEQ ID NO:8." No other changes have been introduced.

B. Noncompliance with sequence rules

The Examiner pointed out that the amino acid sequences in Figs. 10, 12, 14, and 16 are not identified by SEQ ID NOs. In response, the specification has been amended to associate Figs. 10, 12, 14, and 16 with the appropriate SEQ ID NOs. In particular, the paragraph that starts with "FIG. 10 shows" on page 4 of the application, the paragraph that starts with "FIG. 12 shows" on page 4 of the application, the paragraph that starts with "FIG. 14 shows" on page 4 of the application, and the paragraph that starts with "FIG. 16 shows" on page 4 of the application have been amended to identify the amino acid sequences by SEQ ID NOs. It is respectfully submitted that the sequence rules have been complied with in view of the amendment.

C. Claims 1-3, 5, 7-9, 19-21, 23, 25-27, 36-38, and 40-41 were rejected under 35 U.S.C. §101 as being directed at non-statutory subject matter

Claims 1, 8, and 15-42 are canceled and claims 2, 3, 5, 7, and 9 are amended to depend on claim 10, which is not rejected under §101. The rejection is believed to have been overcome by said claim amendments.

D. Claims 1-3, 7-9, 13-21, 25-27, 31-37, and 40-42 were rejected under 35 U.S.C. §102(b) as being anticipated by Kingsman et al.

Claims 1, 8, and 15-42 are canceled and claims 2, 3, 5, 7, 9, 13, and 14 are amended to depend on claim 10, which has been rewritten in independent form. The office action indicated that claims 10-12 would be allowable if rewritten in independent form. The anticipation rejection is believed to have been overcome by said claim amendments.

E. Claims 1-7, 13-14, 18-25, 31-32, and 36-42 were rejected under 35 U.S.C. §102(e) as being anticipated by Chang et al.

Claims 1, 8, and 15-42 are canceled and claims 2, 3, 5, 7, 13, and 14 are amended to depend on claim 10, which has been rewritten in independent form. The office action indicated that claims 10-12 would be allowable if rewritten in independent form. The anticipation rejection is believed to have been overcome by said claim amendments.

F. Claims 2, 15, 19-35, and 33 were rejected under 35 U.S.C. §112 ¶2 as being indefinite

As an initial matter, applicant is unsure about the Examiner's intent in rejecting claims 19-35 and claim 33, since claim 33 is included in claims 19-35. To the extent the Examiner maintains this rejection, clarification is respectfully requested.

Claims 1, 8, and 15-42 are canceled and, therefore, only claim 2 remains relevant. In this regard, claim 2 has been amended to clarify that "the first vector is provided in a host cell." The rejection is believed to have been overcome by said claim amendments.

G. Objections to the specification

Applicants respectfully traverse the objections to the specification. First, the claims constitute a portion of the specification, and thus, the presence of a term in the claims qualifies as support in the specification. See, MPEP §608.01(I):

In establishing a disclosure, applicant may rely not only on the description and drawing as filed but also on the original claims if their content justifies it.

Here, the disclosure within the claims establishes an appropriate disclosure and antecedent basis.

In addition, "mRNA processing enhancer" and "woodchuck mRNA processing enhancer" are addressed in the detailed description, *inter alia*, within the last paragraph on page 8 and the first paragraph on page 9 in connection with "RNA export element" and "woodchuck hepatitis virus post transcriptional enhancer."

Even further, the term "woodchuck mRNA processing enhancer" is specifically recited in United States Provisional Patent Application 60/442,103, which was incorporated

by reference in the instant application within the first paragraph on page 1 of the specification. See, *inter alia*, line 15 of page 2, line 3 of page 6, and lines 16-17 of page 4 of the provisional application.

Withdrawal of the objection to the specification is respectfully requested.

Summary

Having addressed each issue raised by the Examiner, claims 2-7, 9-14, and 43 are believed to be in condition for allowance and a Notice of Allowance is respectfully requested. Should any issues remain outstanding, the Examiner is invited to contact the undersigned at the telephone number appearing below if such would advance the prosecution of this application.

Respectfully submitted,



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